

AN ACT
PROVIDING FOR RESTITUTION FOR MEDICAID EXPENDITURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **249A.6A Restitution.**

If restitution is ordered by the court pursuant to section 910.2, and the victim is a recipient of medical assistance for whom expenditures were made as a result of the offender's criminal activities, restitution may be made to the medical assistance program in accordance with section 910.2.

Sec. 2. Section 910.2, Code 2009, is amended to read as follows:

910.2 Restitution or community service to be ordered by sentencing court.

1. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, restitution to public agencies pursuant to [section 321J.2, subsection 9](#), paragraph "b", court costs including correctional fees approved pursuant to [section 356.7](#), court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender, when applicable, ~~or~~ contribution to a local anticrime organization, or restitution to the medical assistance program pursuant to chapter 249A for expenditures paid on behalf of the victim resulting from the offender's criminal activities. However, victims shall be paid in full before fines, penalties, and surcharges, crime

victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to [section 356.7](#), court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expenses of a public defender, ~~or~~ contributions to a local anticrime organization, or the medical assistance program are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to [section 356.7](#), court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender, ~~and~~ contribution to a local anticrime organization, and the medical assistance program.

2. When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to [section 356.7](#), court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender, ~~or~~ contribution to a local anticrime organization, or medical assistance program restitution, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to [section 356.7](#), court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender, ~~or~~ contribution to a local anticrime organization, or medical assistance program restitution for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender which, for payment of court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expenses of a public defender, shall be approximately equivalent in value to those costs. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

PATRICK J. MURPHY
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2307, Eighty-third General Assembly.

MARK BRANDSGARD
Chief Clerk of the House

Approved _____, 2010

CHESTER J. CULVER
Governor